

and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER:

S. 1017. A bill to amend title 38, United States Code, to establish a presumption of total disability for certain individuals for purposes of nonservice-connected disability pension; to the Committee on Veterans Affairs.

By Mr. SPECTER (by request):

S. 1018. A bill to amend provisions of law governing benefits for certain children of Vietnam veterans who are born with spina bifida, and for other purposes; to the Committee on Veterans Affairs.

By Mr. BENNETT:

S. 1019. An original bill making appropriations for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. JEFFORDS (for himself, Mr.

KENNEDY, and Mr. CHAFEE):

S. 1020. A bill to amend the National Foundation on the Arts and Humanities Act of 1965 and the Art and Artifacts Indemnity Act to improve and extend the Acts, and for other purposes; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MOYNIHAN (for himself, Mr.

GRAHAM, Mr. HATCH, and Mr. DODD):

S. Con. Res. 39. Concurrent resolution expressing the sense of the Congress that the German Government should expand and simplify its reparations system, provide reparations to Holocaust survivors in Eastern and Central Europe, and set up a fund to help cover the medical expenses of Holocaust survivors; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 1017. A bill to amend title 38, United States Code, to establish a presumption of total disability for certain individuals for purposes of nonservice-connected disability pension; to the Committee on Veterans' Affairs.

VETERANS' LEGISLATION

Mr. SPECTER. Mr. President, as Chairman of the Committee on Veterans' Affairs, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 1017, a proposed bill to establish a presumption of total disability for certain individuals for purposes of nonservice-connected disability pension. The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated June 16, 1997.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Committee on Veterans' Affairs. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, together with the transmittal letter which accompanied it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1017

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That that portion of subsection (a) of section 1502 of title 38, United States Code, preceding paragraph (1) is amended to read as follows:

"(a) For purposes of this chapter, a person shall be considered to be permanently and totally disabled if such person is 65 years of age or older and is a patient in a nursing home or, regardless of age, is unemployable as a result of a disability reasonably certain to continue throughout the life of the disabled person, or is suffering from—".

THE SECRETARY OF VETERANS AFFAIRS,

Washington, June 16, 1997.

Hon. ALBERT GORE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Transmitted herewith is a draft bill to amend section 1502(a) of title 38, United States Code, to establish a presumption of total disability for certain individuals for purposes of the nonservice-connected disability pension program. I request that this draft bill be referred to the appropriate committee for prompt consideration and enactment.

The draft bill would amend section 1502(a) of title 38, United States Code, to establish a presumption of total disability in the case of a person who is age 65 or older and who is a patient in a nursing home, for purposes of establishing basic eligibility under the Department of Veterans Affairs' (VA) nonservice-connected disability pension program.

For many years, former section 502(a) (re-designated as section 1502(a)) of title 38, United States Code, provided that a person was presumed to be permanently and totally disabled at age 65 for the purpose of establishing basic pension eligibility. However, in 1990 Congress amended this provision via the Omnibus Budget Reconciliation Act of 1990 (Pub. L. No. 101-508, §8002) to eliminate the presumption of total disability at age 65 for claims filed after October 31, 1990. Consequently, it is now necessary that a rating decision be rendered on the issue of permanent and total disability before pension can be paid to any person, regardless of age or circumstances.

Under current law, an incongruous situation arises in the case of a pension claimant who is a patient in a nursing home. Pursuant to 38 U.S.C. §1502(b), such a person would be considered to be in need of regular aid and attendance (a level of disability which assumes the existence of permanent and total disability) and, therefore, entitled to pension at a higher rate. Nonetheless, the person could not establish eligibility for any pension until a determination is made through a rating activity that the person is permanently and totally disabled. Consequently, under current law, if an 85-year old veteran in a nursing home were to file an original pension claim, it would still be necessary to prepare a rating decision on the issue of permanent and total disability to establish the veterans' basic pension eligibility under section 1502(a), although the veteran would, once determined to be eligible, be considered under section 1502(b) to be eligible for a higher payment of pension based on the need for regular aid and attendance.

Enactment of the proposed amendment to section 1502(a) would be advantageous to VA

and to claimants for pension and other benefits administered by VA. Processing times for original and reopened pension claims would be reduced because development of medical evidence of a nursing home patient's level of disability would no longer be necessary. This improvement in efficiency would have a salutary effect on the processing of other types of claims because rating specialists and development personnel would have more time to devote to other activities, including adjudication of service-connected disability compensation claims.

The proposed amendment would not threaten the integrity of the pension program. An individual age 65 years or older who is a patient in a nursing home would almost certainly qualify as being permanently and totally disabled under 38 U.S.C. §1502(a) as it is currently worded. The likelihood that such an individual would eventually leave the nursing home is slim. However, procedures are already in place for reevaluating aid and attendance entitlement when a notice of discharge from a nursing home is received in the case of a veteran whose aid and attendance benefit is based on nursing-home-patient status. These procedures will be adapted to require a rating decision upon a person's discharge from a nursing home if the basic eligibility determination was premised on the person's status as a patient in a nursing home.

Enactment of this proposal would merely speed the processing of claims of persons who would otherwise qualify for pension.

This draft bill would affect direct spending; therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990. The Office of Management and Budget (OMB) estimates that the pay-as-you-go effect of this proposal is zero.

OMB advises that there is no objection from the standpoint of the Administration's program to the submission of this proposal to Congress.

Sincerely yours,

JESSE BROWN.

By Mr. SPECTER (by request):

S. 1018. A bill to amend provisions of law governing benefits for certain children of Vietnam veterans who are born with spina bifida, and for other purposes; to the Committee on Veterans' Affairs.

VETERANS' LEGISLATION

Mr. SPECTER. Mr. President, as Chairman of the Committee on Veterans' Affairs, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 1018, a proposed bill to amend provisions of law governing benefits for certain children of Vietnam veterans who are born with spina bifida, and for other purposes. The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated June 18, 1997.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Committee on Veterans' Affairs. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.